

MAIL STOP APPEAL
BRIEF - PATENTS

AF/2625
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S.C. Cottrille et al. Attorney Docket No.: MSFT117226
Application No.: 09/339,634 Group Art Unit: 2625
Filed: June 24, 1999 Examiner: S. Shah
Title: ASSOCIATING ANNOTATIONS WITH A CONTENT SOURCE

COMMUNICATION REGARDING NOTIFICATION OF NON-COMPLIANT

APPEAL BRIEF MAILED JUNE 28, 2005

Seattle, Washington 98101

August 8, 2005

TO THE COMMISSIONER FOR PATENTS:

Applicants respectfully request that the Appeal Brief filed on April 20, 2005 ("Appeal Brief"), for the above-identified application be accepted.

A Notification of Non-Compliant Appeal Brief ("Notification") mailed June 28, 2005, included the statement, "The Appeal Brief filed on 20 April 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37." Notification also included the statement, "The brief does not present grouping of claims and omits the statement of claims standing or falling together but still argues in the argument section why claims subject to the same rejection are separately patentable. The brief also fails to present issues *as required under 37 CFR 1.192* [c]. . . ." (Emphasis added.)

Applicants' representatives have had telephone communications with the Primary Examiner, Sanjiv D. Shah (Art Unit 2176), on four occasions regarding the Notification. Telephone calls were made on July 6, July 22, and July 28, 2005. Applicants' representative spoke with Examiner Shah twice and left a voice message two other times. The subject of all of these phone calls was discussion of the applicable sections of 37 CFR to Appeal Briefs. Applicants' representative noted during the telephone calls that, as published on the official Web

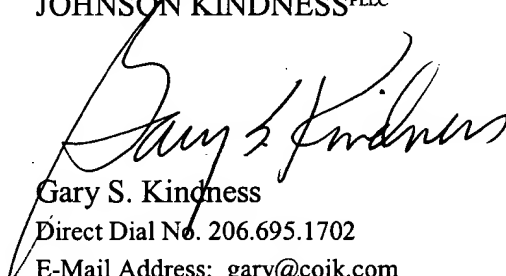
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site of USPTO (see "<http://www.uspto.gov/main/patents.htm>"), effective September 13, 2004, section 37 CFR 1.192 no longer applies to Appeal Briefs and is now a reserved section. Additionally, applicants' representative pointed out that effective September 13, 2004, section 37 CFR § 41.37 is applicable to Appeal Briefs, superseding old section 37 CFR § 1.192. As noted above, the Appeal Brief in this application was filed on April 20, 2005, over six months after the date that 37 CFR § 1.192 was rescinded and 37 CFR § 41.37 became effective. At the conclusion of the last interview, on July 28, 2005, Examiner Shah agreed to review the currently applicable revision of the above-mentioned sections of 37 CFR and call back the applicants' representative if Examiner Shah still believed that the Appeal Brief was not in compliance with 37 CFR § 41.37. Examiner Shah has not called back as of this mailing.

Since applicants believe that the Appeal Brief is in full compliance with 37 CFR § 41.37, applicants respectfully request that the Notification be withdrawn and the Appeal Brief be accepted as filed.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

August 8, 2005



GSK/FXM:aew

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